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EXAMINER	
NGUYEN, TOAN D	
ART UNIT	PAPER NUMBER
2665	13

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/240,434	O'NEAL ET AL.	
	Examiner	Art Unit	
	Toan D Nguyen	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Gossett Dalton, Jr. et al. (U.S. Patent 6,426,955 B1).

For claim 1, Gossett Dalton, Jr. et al. disclose internet telephony call routing engine, comprising:

a computer, having a data connection to a web server 122, for initiating the web server 122 to establish a telephonic connection between first 104 and second telephonic devices 118 coupled to a telephone network (col. 6 lines 23-27); and

a plurality of point of presence (POP) telephony servers, coupled to the telephone network, and coupled to said web server via a data network, said plurality of POP telephony serves for connecting to said first 104 and second of telephonic devices 118 upon a command received from said web server 122 via the data network (figure 1, col. 3 line 57 to col. 4 line 21);

wherein said command is issued by said web server via the data network and via said one or more of the plurality of POP telephony servers to said first 104 and second of telephonic

devices 118 in response to said web server 122 being initiated by a user controlling said computer whereby the command results in the telephonic connection between the first 104 and second telephonic devices 118 via the telephone network (col. 6 lines 48-53).

For claim 2, Gossett Dalton, Jr. et al. disclose wherein said computer comprises: a personal computer; a personal digital assistant (PDA); or a set-top box (figure 1).

For claim 3, Gossett Dalton, Jr. et al. disclose wherein said data connection comprises an internet connection (figure 1, col. 4 lines 6-8).

For claim 4, Gossett Dalton, Jr. et al. disclose wherein said web server comprises a server on the internet, for receiving said imitating from said computer, and for providing said command to said plurality of telephonic devices (figure 1, col. 6 lines 48-50).

For claim 5, Gossett Dalton, Jr. et al. disclose wherein said telephonic connection comprises a voice to voice connection (figure 1, col. 3 lines 62-63 and col. 4 lines 4-6).

For claim 6, Gossett Dalton, Jr. et al. disclose wherein said plurality of telephonic devices comprises: land line telephones; cellular telephones; or personal digital assistants (figure 1).

For claim 7, Gossett Dalton, Jr. et al. disclose wherein said plurality of telephonic devices are coupled to said telephone network (figure 1, col. 3 lines 62-64 and col. 4 lines 4-6).

For claims 8-11, Gossett Dalton, Jr. et al. disclose wherein said plurality of POP telephony servers are coupled to said plurality of telephonic devices via said telephone network, and to said web server via a data network (figure 1, col. 3 line 62 to col. 4 line 12).

For claim 12, Gossett Dalton, Jr. et al. disclose wherein said command by said web server comprises: a telephone number pertaining to a selected telephonic device to be called; and an IP address of a selected POP telephony server (col. 6 lines 48-53).

For claims 13 and 14, Gossett Dalton, Jr. et al. disclose wherein said web server provides a command to each of said plurality of POP telephony servers that are to establish a telephonic connection (col. 6 lines 48-53).

For claims 15 and 21-22, Gossett Dalton, Jr. et al. disclose internet telephony call routing engine, comprising:

a first telephony server, coupled to the first telephone network and to the data network (figure 1, col. 3 lines 62-64);

a second telephony server, coupled to the second telephone network and to the data network (figure 1, col. 4 lines 4-6);

a web server, coupled to said first and second telephony servers via the data network (col. 6 lines 23-32); and

a computing device, coupled to the data network, for making a selection of the first and second telephone devices for communication, and for providing said selection to said web server (col. 6 lines 21-23);

wherein, upon receipt of and in response to said selection of the first and second telephone devices from said computing device, said web server is initiated by the computing device to issue commands to said first and second telephony servers to call the first and second telephone devices, respectively, and to establish voice communication between them whereby said first and second telephonic devices are connected via the first and second telephone networks in response to a command from said web server provided to said first and second telephony servers via said data network (figure 2, col. 6 lines 21-53).

For claim 16, Gossett Dalton, Jr. et al. disclose wherein the first and second telephone devices comprise: land line telephones; cellular telephones; or other voice capable telephonic devices coupled to a telephone network (figure 1).

For claim 17, Gossett Dalton, Jr. et al. disclose wherein said computing device comprises: a personal computer; a laptop computer; or a personal digital assistant (figure 1).

For claim 18, Gossett Dalton, Jr. et al. disclose wherein the first and second telephone networks comprising local telephone switches coupled to the first and second telephone devices, respectively (figure 1, col. 3 lines 62-64 and col. 4 lines 4-6).

For claims 19-20, Gossett Dalton, Jr. et al. disclose wherein the data network comprises: the internet; a local area network; or a wide area network (figure 1, col. 4 lines 6-8).

For claims 23-26, Gossett Dalton, Jr. et al. disclose internet telephony call routing engine, comprising:

a computing device coupled to a data network, for initiating the communication between the first and telephones devices (figure 1, col. 4 lines 36-42),

a first telephony server, coupled to the first telephone network and to the data network (figure 1, col. 3 lines 62-64);

a second telephony server, coupled to the second telephone network and to the data network (figure 1, col. 4 lines 4-6),

a web server, coupled to said first and second telephony servers via the data network (figure 1, col. 6 lines 23-36); and

a computing device, coupled to the data network, for making a selection of the first and second telephone devices for communication, and for providing said selection to said web server (col. 6 line 48-53);

wherein, upon receipt of said selection from said computing device, said web server commands said first and second telephony servers to call the first and second telephone devices, respectively, and to establish voice communication between them (col. 6 lines 48-53);

wherein said web server comprises a POP database for storing an IP address for said first and second telephony servers, and for associating telephone numbers with either of said first or second telephony servers (col. 6 lines 23-53); and

wherein when said computing device selects said first and second telephone devices for communication, and provides said selection to said web server, said web server determining which of said first and second telephony servers are associated with said selected first and second telephone devices (col. 6 lines 23-53);

For claims 27-29, Gossett Dalton, Jr. et al. disclose wherein said first and second telephony servers are located in different cities (figure 1).

For claim 30, Gossett Dalton, Jr. et al. disclose internet telephony call routing engine, comprising:

a plurality of point of presence (POP) servers, each coupled to a local telephone network, and to the data network (figure 1, col. 3 line 62 to col. 4 line 8);

a web server, coupled to said plurality of POP servers via the data network, said web server configured to receive information associated with the two or more telephony devices, for

selecting one or more POP servers from said plurality of POP servers, and for establishing voice communication between the two or more telephony devices (col. 6 lines 21-36); and

a communication initiation device, coupled to said web server via said data network, for providing selected information associated with the two or more telephony devices to said web server and for initiating the web server to establish the voice communication between the two or more telephony devices via the data network (col. 6 lines 48-53).

For claim 31, Gossett Dalton, Jr. et al. disclose wherein said POP server comprise:

a data server, for sending and receiving data over the data network (col. 4 lines 1-2); and

a telephony server, coupled to said data server and to a telephone network, for receiving voice from the telephone network and for providing the voice to said data server for transmission over the data network (figure 1, col. 3 line 62 to col. 4 line 2).

For claim 32, Gossett Dalton, Jr. et al. disclose wherein said telephony server further receives data from the data network and provides the data to the telephone network (figure 1, col. 3 line 62 to col. 4 line 2).

For claim 33, Gossett Dalton, Jr. et al. disclose wherein said POP servers further comprise voice/data conversion for converting voice to streaming audio format, and for converting streaming audio format to voice (col. 3 lines 64 to col. 4 line 2 and col. 4 lines 6-12).

For claims 34 and 35, Gossett Dalton, Jr. et al. disclose wherein, upon command from said web server, said selected one or more POP servers connect the two or more telephone networks (col. 6 lines 21-53).

For claim 36, Gossett Dalton, Jr. et al. disclose wherein said communication initiation device comprises: a telephony device coupled to said web server via a data network; or a personal computing device (col. 6 lines 21-53).

For claims 37-39, Gossett Dalton, Jr. et al. disclose wherein said communication initiation device selected from a predefined list ones of the two or more telephony devices for communication (figure 1, col. 6 lines 21-53).

For claim 40, Gossett Dalton, Jr. et al. disclose internet telephony call routing engine, comprising:

a) selecting via a computing device the two telephony devices to be connected (figure 1, col. 6 lines 21-53);

b) providing via the data network information associated with the two telephony devices to a web server (col. 4 lines 36-42);

c) associating local telephony servers with the provided information (figure 2, col. 5 lines 20-30); and

d) commanding from the web server that the associated local telephony servers establish communication with their associated telephony device via the data network (col. 6 lines 48-53);

wherein voice communication between the two telephony devices via the data network is established by the web Server in response to said web server being initiated (col. 6 lines 48-53).

For claim 41, Gossett Dalton, Jr. et al. disclose wherein said selecting is performed via a personal computer device coupled to the data network (figure 1).

For claim 42, Gossett Dalton, Jr. et al. disclose wherein the information associated with the two telephony devices comprises telephone numbers (col. 4 lines 36-42).

For claim 43, Gossett Dalton, Jr. et al. disclose wherein said associating relates the telephone numbers to IP addresses associated with the local telephony servers (col. 3 line 64 to col. 4 line1).

For claim 44, Gossett Dalton, Jr. et al. disclose further coniprising: converting voice data to streaming audio, and streaming audio to voice data to allow voice data to be transmitted to and from the two telephony devices over the data network (figure 1, col. 3 line 64 to col. 4 line 13).

For claim 45, Gossett Dalton, Jr. et al. disclose wherein said computer selects first and second telephonic devices for communication and provides said selection to said web server via the data network, said web server determining which of said telephony servers are associated with said first and second telephonic devices (col. 6 lines 21-53).

For claims 46-48, Gossett Dalton, Jr. et al. disclose wherein said computing device selects said. first and second telephone devices for communication, and provides said selection to said web server via the data network said web server determining which of said first and second telephony servers are associated with said selected first and second telephone devices (col. 6 lines 21-53).

Response To Arguments

3. Applicant's argument filed April 15, 2003 have been fully considered, but are moot in view of the new ground(s) of rejection.

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

TN
T.N.